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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **SACRAMENTO DIVISION**

8 In re:
9 **GENE VERNON HEITMEYER and**
10 **CAROLYN R. HEITMEYER,**
11 Debtors.

Case No. 10-37586-C-7
DCN: SMD - 1
DATE: October 12, 2010
TIME: 9:30 A.M.
DEPT: C
COURTROOM: 35 (6th Floor)

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13 **TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE**
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15 TO: THE HONORABLE CHRISTOPHER M. KLEIN, JUDGE, U. S. BANKRUPTCY
16 COURT; THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED
DEBTORS; AND, THE DEBTORS' ATTORNEY.

17 The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in
18 the above-captioned Bankruptcy estate of GENE VERNON HEITMEYER and CAROLYN R.
19 HEITMEYER, (the "Debtors"), hereby requests that this Court approve the sale of the Bankruptcy's
20 Estate's interest in a 1998 Cadillac Seville (the "Motor Vehicle"), with approximately 111,000 miles
21 on the odometer, for not less than the claimed market value of \$3,485 cash to an unrelated third
party. In support of this motion, the undersigned Trustee respectfully represents the following:

- 22 1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on or about July 2, 2010,
and an Order for Relief was entered thereon.
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2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about July 2,
2010, and continues to serve in that capacity.
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1 3. The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334.
2 This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).

3 4. The Debtors filed Schedule B on or about July 2, 2010, but did not disclose personal
4 property described above since they had inappropriately transferred the property to a family member

5 5. The Debtors filed an amended Schedule B on or about August 25, 2010 that disclosed the
6 personal property described above as:

7 “1998 Cadillac Seville SLS. 111,000 miles, Condition: Fair”

8 (hereinafter referred to as the “Motor Vehicle”), having a disclosed market value
9 of \$3,485.

10 6. The Debtors’ Amended Schedule “C” filed on or about August 25, 2010, claimed a
11 monetary exemption pertaining to the Motor Vehicle in the amount of \$3,485 pursuant to C.C.P.
12 §703.140(b)(5). However, the Debtors have offered to voluntarily turnover the Motor Vehicle to the
13 Bankruptcy Estate as a settlement for the inappropriate transfer that occurred.

14 7. The Debtors’ Schedule D filed on July 2, 2010, disclosed no indebtedness nor obligations
15 secured by the Motor Vehicle.

16 8. The Trustee requests the Court to approve a sale of the Motor Vehicle for not less than
17 the claimed market value of \$3,485 cash to an unrelated third party not yet identified. The Trustee
18 does not currently have an offer for the Motor Vehicle and has not marketed the Motor Vehicle, but
19 would like to conclude a sale as soon as an acceptable offer is made and therefore requests this
20 approval from the Court. The Trustee intends to market and sell the Motor Vehicle herself via
21 multiple channels.

22 9. The payment will be made in cash in the form of Cashier’s Check to the undersigned
23 Trustee for the purchase of the Motor Vehicle.

24 10. The undersigned Trustee believes that the immediate liquidation of the Subject Personal
25 Property is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate the
26 typical sales and marketing costs incurred with the sale of vehicles (i.e. auctioneer’s commission,
27 and any sales commission attendant to a sale, etc.). Therefore, the trustee requests the approval from
28 this Court to sell the aforementioned Motor Vehicle to a third party for not less than the claimed
29 market value of \$3,485 cash.

WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve a sale of the aforementioned Motor Vehicle in the manner stated herein, B.) Provide authority for the Trustee to execute all documents necessary to complete the contemplated sale.

Dated: September 10, 2010

Respectfully submitted,

/s/ Susan M. Didriksen

Susan M. Didriksen, Chapter 7 Trustee